

UNITED STATES DISTRICT COURT

SOUTHERN

District of

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Jewel Russell-Otero

USDS SDNY
NEW YORK
DOCUMENT
ELECTRONICALLY FILED

DOC #:

DATE FILED: 7/16/08

Case Number: 07 CR 0458-01 (PKC)

USM Number: 59969-054

George R. Goltzer (AUSA Parvin D. Moyne)

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) One and Two.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 641 and 2	Theft of Government Funds	08/31/2006	One
18 USC 641 and 2	Theft of Government Funds	04/28/2007	Two

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____☐ Underlying _____☐ Motion(s) _____

<input type="checkbox"/> is	<input type="checkbox"/> are dismissed on the motion of the United States.
<input type="checkbox"/> is	<input type="checkbox"/> are dismissed on the motion of the United States.
<input type="checkbox"/> is	<input type="checkbox"/> are denied as moot.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 14, 2008

Date of Imposition of Judgment

Signature of Judge

Hon. P. Kevin Castel, U.S.D.J.

Name and Title of Judge

July 15, 2008

Date

DEFENDANT: Jewel Russell-Otero
CASE NUMBER: 07 CR 0458-01 (PKC)

PROBATION

The defendant is hereby sentenced to probation for a term of : five (5) years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jewel Russell-Otero
CASE NUMBER: 07 CR 0458-01 (PKC)

SPECIAL CONDITIONS OF SUPERVISION

The defendant will provide the probation officer with access to any requested financial information

The defendant will not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.

The defendant will participate in a mental health treatment program as approved by the United States Probation Department. The defendant will continue to take any prescribed medication unless otherwise instructed by the health care provider. The defendant shall contribute to the costs of services rendered not covered by third-party payment, if the defendant has the ability to pay. The Court authorizes the release of available psychological and psychiatric evaluations and reports to the health care provider.

Count One, restitution in the amount of \$46,106.00 is owed to the New York City Housing Authority by the defendant and payments should be forwarded to the New York City Housing Authority, Office of the Inspector General, 250 Broadway, 28th Floor, New York, NY 10007 Attention: Laureeen Hintz. Count Two, restitution in the amount of \$70,000.00 appears to be owed to HUD, jointly and severally by the defendant Johnny Otero.

It is ordered that the defendant make restitution to such person totaling \$116,706.00, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

The restitution shall be paid in monthly installments of 10% of her gross monthly income over a period of supervision to commence 90 days after the date of judgment.

Payment of restitution shall be joint and several with the co-defendant, Johnny Otero.

No further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries.

The defendant shall notify the U.S. Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

The defendant is to report to the nearest Probation Office within 72 hours of release from custody.

The defendant will be supervised by the district of his residence.

DEFENDANT: Jewel Russell-Otero
CASE NUMBER: 07 CR 0458-01 (PKC)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$ 116,106.00

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
New York City Housing Authority	\$46,106.00	\$46,106.00	
H.U.D.	\$70,000.00	\$70,000.00	

TOTALS	\$	\$116,106.00	\$	\$116,106.00
--------	----	--------------	----	--------------

☐ Restitution amount ordered pursuant to plea _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jewel Russell-Otero
CASE NUMBER: 07 CR 0458-01 (PKC)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time;
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The restitution shall be paid in monthly installments of 10% of her gross monthly income over a period of probation to commence 90 days after the date of judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several and corresponding payee, if appropriate.

Johnny Otero 07 CR 0458-02 (PKC) \$70,000.00

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- X** The defendant shall forfeit the defendant's interest in the following property to the United States:
At least \$46,106.00 in U.S. Currency, see order dated July 14, 2008.